

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHAN JAMES HENDERSON,

Defendant.

CR-12-73-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 21, 2023. (Doc. 101.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on February 21, 2023. (Doc. 100.) The United States accused Jonathan Henderson, (Henderson) of violating his conditions of supervised release 1) by failing to comply with the terms of his mental

health treatment program on two separate occasions; 2) by failing to report for substance abuse testing on two separate occasions; 3) by providing a diluted urine specimen; and; 4) by using methamphetamine on three separate occasions. (Doc. 99.)

At the revocation hearing, Henderson admitted that he had violated the terms of his supervised release 1) by failing to comply with the terms of his mental health treatment program on two separate occasions; 2) by failing to report for substance abuse testing on two separate occasions; 3) by providing a diluted urine specimen; and; 4) by using methamphetamine on January 17, 2023. Henderson denied alleged violations 7 and 8. (Doc. 100.) Judge Johnston found that the government satisfied its burden of proof with respect to alleged violations 7 and 8. (Doc. 101.) Judge Johnston found the violations to be serious and warrant revocation, and recommended revocation of Henderson's supervised release and recommended a custodial sentence of one year and one day, with no supervised release to follow. (Doc. 101.) Henderson was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 100.) The Court finds that the violations prove serious and warrant revocation of Henderson's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 101) are **ADOPTED IN FULL. IT IS FURTHER**

ORDERED that Defendant Jonathan James Henderson be sentenced to the Bureau of Prisons for one year and one day, with no supervised release to follow.

DATED this 8th day of March, 2023.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court